

Message Text

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E.O. 11652: N/A

TAGS: ETRD, EAGR

SUBJECT: U.S. REGULATIONS ON THE IMPORTATION OF IVORY
PRODUCTS

REF: BANGKOK 29737

1. SUMMARY: IVORY PRODUCTS MAY NOT BE IMPORTED INTO U.S.
FROM AN ASIAN COUNTRY UNLESS THAT COUNTRY CERTIFIES THE
IVORY IS FROM AFRICAN ELEPHANTS (LOXODONTA AFRICANAS).

2. FOLLOWING PARTICIPATION IN INTERNATIONAL CONVENTION
ON TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA,
U.S. PROMULGATED ITS ENDANGERED SPECIES ACT OF 1973.
PURSUANT TO THIS ACT, THE ASIAN ELEPHANT HAS BEEN PLACED
ON LIST OF WILDLIFE IN DANGER OF EXTINCTION, AND THUS ALL
ASIAN IVORY IS BARRED FROM IMPORTATION INTO U.S.

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3. IN ACCORDANCE WITH PREROGATIVES GRANTED TO SIGNATORY STATES UNDER THE CONVENTION, U.S. LEGISLATION PROVIDES FOR STRICTER PROTECTIVE MEASURES THAN CONVENTION ITSELF DOES. U.S. LEGISLATION DOES NOT RPT. NOT GIVE EXECUTIVE BRANCH OF USG DISCRETIONARY AUTHORITY TO MAKE ANY EXCEPTION FOR COMMERCIAL IMPORTATION OF ASIAN IVORY OLD OR NEW.

4. HOWEVER, ENFORCEMENT DIVISION OF U.S. FISH AND WILDLIFE SERVICE WILL AUTHORIZE IMPORTATION OF CONSIGNMENTS OF IVORY FROM THAILAND WHICH ARE ACCOMPANIED BY GOT CERTIFICATE STATING THE PARTICULAR CONSIGNMENT CONSISTS OF AFRICAN IVORY AND BY EXPORT DOCUMENTATION PROVING AFRICAN ORIGIN OF IVORY; THE CERTIFICATE BY GOVERNMENT OF EXPORT MAY FOLLOW ANY FORMAT SO LONG AS IT SATISFIES THESE REQUIREMENTS.

5. REGARDING PAR 1 B REFTEL, STATEMENT BY HONG KONG COMMERCE AND INDUSTRY DEPT THAT CERTIFICATES OF ORIGIN SHOULD BE ENDORSED BY AMERICAN CONSULATE GENERAL IN HONG KONG IS IN ERROR. NO U.S. CERTIFICATES ARE REQUIRED.

6. REGULATIONS UNDER ENDANGERED SPECIES ACT PUBLISHED IN FEDERAL REGISTER VOL. 41 NO. 115, PP. 24062-67 WITH CORRECTION VOL. 41, NO. 123, P. 26019. DEPT. WILL SEND AIRGRAM CONTAINING THESE NOTICES.

7. (RE PAR 1 C REFTEL) AN EXEMPTION IS CONTAINED IN ENDANGERED SPECIES ACT FOR ANY FISH OR WILDLIFE HELD IN CAPTIVITY OR IN CONTROLLED ENVIRONMENT ON DECEMBER 28, 1973 PROVIDED SUCH FISH OR WILDLIFE NOT HELD IN COURSE OF COMMERCIAL ACTIVITY. ACT PROVIDES THAT BURDEN OF PROOF FOR ESTABLISHING SUCH AN EXEMPTION SHALL BE ON IMPORTER WHO MUST PROVE TO SATISFACTION OF U.S. FISH AND WILDLIFE SERVICE (USFWS) THAT EACH INDIVIDUAL ITEM QUALIFIES UNDER ACT. USFWS HAS ESTABLISHED PROCEDURES FOR QUALIFICATION FOR THIS EXEMPTION AND HAS PUBLISHED SAME IN 17.4 TITLE 50 CFR. KISSINGER

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